

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF NORTH CAROLINA

RICKY PARKER,)	
)	
Petitioner,)	
)	
v.)	1:06cv00097
)	1:98cr00035
UNITED STATES OF AMERICA)	
)	
Respondent.)	
_____)	

ORDER ADOPTING MAGISTRATE JUDGE'S RECOMMENDATION

On January 30, 2006, Magistrate Judge Russell A. Eliason filed his Recommendation [Doc. # 2]¹ that Petitioner's "place holder motion" be construed as a motion under 28 U.S.C. § 2255 to Vacate, Set Aside or Correct Sentence [Doc. # 1], and that Judgment be entered dismissing this action. On January 31, 2006, the parties were mailed notification of the Recommendation filing. Petitioner Ricky Parker timely filed an Objection to the Recommendation on February 10, 2006 [Doc. # 4]. Respondent the United States of America did not file a response.

The Court has reviewed de novo the Recommendation of the Magistrate Judge and adopts that Recommendation. Thus, for the reasons set out in the

¹This and all further citations to the record will be to the civil case, 1:05cv00097.

Recommendation, the Petitioner's Motion to Vacate, Set Aside or Correct Sentence
[Doc. # 1] is DENIED.

This the 26th day of October, 2007.

/s/ N. Carlton Tilley, Jr.
United States District Judge